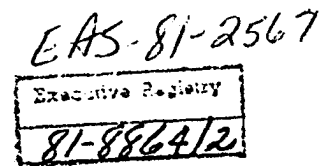


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December 23, 1981



The Honorable William J. Casey
Director of Central Intelligence
Washington, D.C. 20505

Dear Bill,

The Foreign Service Act of 1980, Section 814, provides that former spouses of Foreign Service personnel under the Act will receive a certain percentage of the retirement benefits of their spouse from the system if they had been married during at least ten years of their spouse's creditable service. The rationale for this change in the Foreign Service Act was that the nature of the Foreign Service calls upon the spouse to participate actively in the diplomatic life of her husband and that she is subject to substantial handicaps in following another career or developing a work experience which will prepare her to meet the challenges of later life. A later divorce, the Congress decided, should not take from her the recognition due her contribution to the Foreign Service.

That amendment does not, of course, apply to CIA spouses, since most CIA personnel fall under the Civil Service retirement procedures with respect to spousal rights, even with respect to those admitted to the CIA Retirement and Disability System (CIARDS). The situation of those under CIARDS, however, is at least comparable if not more persuasive in the contribution that a CIA spouse provides to her husband's operational performance overseas. Several wives and former spouses have given this matter considerable thought and have suggested an analogous amendment to the CIA retirement system (CIARDS), which they have requested me to help them present.

We have developed the attached letters to the Senate and House Select Committees on Intelligence, urging this amendment to the CIARDS System. The accompanying experiences of individual spouses make a strong case for such recognition of the contributions of CIA spouses abroad. Since the material does, however, discuss the manner in which a number of former spouses have assisted their husbands in their operational activities, the Agency might wish to classify this material.

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It is for this reason that we send this package to you in the hopes that you will review it and be persuaded by its logic sufficiently to support the position outlined therein. In any case, we would hope that you would review the material and determine whether all or any part of it should be classified before it is sent to the Senate and House Select Committees on Intelligence so that it could be handled by them as classified material. Even in classified form, of course, it could be made available to the members of those Committees for their consideration of the merits of the proposal made. We would, of course, conform our copies of these original letters to respect your decision with respect to their classification.

Since we would like to submit this material for consideration by the new Congress, we would hope that your review of this package could be accomplished by January 20, 1982. I am at the disposal of yourself or your staff to discuss any aspects of the matter which you might desire.

Sincerely,



W. E. Colby

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December 23, 1981

The Honorable Patrick J. Moynihan
Acting Chairman
Select Committee on Intelligence
United States Senate

The Honorable Edward P. Boland
Chairman
Select Committee on Intelligence
U.S. House of Representatives

Dear Messrs. Chairmen:

The Foreign Service Act of 1980, Section 814, made certain provisions for the benefit of former spouses of Foreign Service Officers covered under the Foreign Service Retirement System. In essence, this provided that a former spouse was entitled to a percentage of her spouse's retirement benefits if she had been married to a member of the Foreign Service for more than ten years during the period the Foreign Service Officer was engaged in services creditable for such retirement. The reason for the change in the Act was the recognition that the nature of the Foreign Service requires a substantial contribution by the spouse of a Foreign Service officer, that the spouse shares the hazards and discomforts involved, and that the spouse faces a particular handicap in developing her own employment history by reason of service abroad.

A number of former spouses of CIA officers find themselves in a comparable position to those which Foreign Service former spouses faced before the 1980 Act was passed. They have requested me to help them in bringing this matter to your attention, which I am glad to do without fee because of my very personal realization of the contributions my own wife made to CIA during our years together overseas.

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security officials or self-imposed out of loyalty, in describing her experiences in later employment applications. Under present law in many jurisdictions, a divorce can leave the former spouse without the capability of supporting herself, without the ability to explain the nature of her previous activities and with no recognition for the substantial contribution she made to the work for the Agency during her married years. With the prevalence of divorce in these times, frequently augmented by the marital strains imposed by the nature of CIA service abroad, this is becoming a substantial problem in the CIA community.

Accompanying this letter is a series of accounts by a number of CIA spouses, some divorced and some still married, of their service with their CIA officer husbands abroad. The names of the spouses have been omitted for reasons of security or privacy, but these are known to me and they are available for interview as the Committee may desire.

This material has been submitted to the Director of Central Intelligence for his review prior to sending it to these Committees. His decision is respected as to whether this material should be classified, in which case it is, or whether it can be handled on a non-classified basis.

Many of these accounts show the essential identity of problems of CIA spouses with those of Foreign Service spouses, which gave rise to the 1980 Act. In the accounts, however, there also appear the unique aspects of CIA life abroad, which present an even more compelling case for recognition that the CIA spouse has made direct contributions to the mission of the Agency and earned fair recognition of those contributions if her marriage for any reason should be dissolved. Several excerpts have been taken from these and attached directly to this letter. Even a cursory review of these comments reveals the important contributions these spouses have made to the CIA service, and the injustice of leaving recognition of those to the vagaries of present-day divorce procedures.

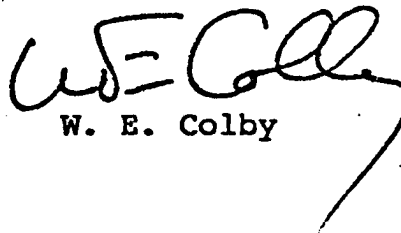
CIA officers retire under one of two systems. The CIA officer who spends most of his time in the United States looks to the regular arrangements of the Civil Service System. This does not provide benefits to former spouses unless the divorce or other decree so provides. A smaller percentage of CIA officers are covered under the special CIA

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Retirement and Disability System (CIARDS) by reason of the unique character of their service, primarily abroad. This system follows the pattern of the Civil Service System with respect to spouses, however, so former spouses have no rights beyond the divorce degree. It is anomalous that the CIA former spouse has less rights under the CIA System (or the Civil Service System) than the former spouse under the normal Social Security System.

A rather simple enactment of the provisions of the Foreign Service Act as an amendment to the CIARDS system, would bring equality to the two fellow groups who serve abroad together. This small change in the CIARDS legislation would not be an act of grace nor an interference with the private lives of CIA personnel and their spouses. It would rather be simple recognition of the fact of life that no CIA officer can effectively do his operational work without the active support of his spouse. In this situation, the spouse's contribution should be recognized and vested no matter what happens in later years to the marriage in question. Any other approach to this matter would be an unfair and undignified way of expressing our government's attitude toward the unique contribution made by CIA spouses to the important operational missions of the Agency. As the attached histories attest, they have earned your consideration.

Sincerely,



W. E. Colby

Attachments

- A. Excerpts from CIA spouse's experiences
- B. CIA Spouses' experiences (10).
- C. Memorandum, Retirement Rights of Former Spouses (Foreign Service Act of 1980, Section 814; Social Security, 42 USCA 402b-1; Civil Service; Military Services; (CIARDS)